IN THE UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF TEXAS

TYLER DIVISION

JAMES EARL WATKINS, #1702234 §

VS. § CIVIL ACTION NO. 6:18cv347

CAROL E. MONROE, JR., ET AL. §

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff James Earl Watkins, a prisoner currently confined in the Texas prison system, proceeding *pro se* and *in forma pauperis*, filed the above-styled and numbered civil lawsuit. In response, Defendants Fatai Rasheed and Derek Light filed a motion to dismiss requesting the dismissal of all claims against them. (Dkt. #24). Mr. Watkins filed a motion to proceed against the Defendants. (Dkt. #37).

The motion was referred to United States Magistrate Judge K. Nicole Mitchell, who issued a Report and Recommendation concluding that Defendants Rasheed and Light's motion to dismiss (Dkt. #24) should be granted in part and denied in part. (Dkt. #44). The Report also concluded that Mr. Watkins' motion to proceed against the Defendants (Dkt. #37) should be granted in part and denied in part. (Dkt. #44). The Report of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of the motion, has been presented for consideration, and no objections thereto having been timely filed, the court is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and adopts same as the findings and conclusions of the court. It is accordingly

ORDERED that the Report and Recommendation (Dkt. #44) is **ADOPTED**. It is further

ORDERED that Defendants Rasheed and Light's motion to dismiss (Dkt. #24) is

GRANTED in part and **DENIED** in part. It further

ORDERED that Mr. Watkins' motion to proceed against Defendants (Dkt. #37) is

GRANTED in part and **DENIED** in part. It is

ORDERED that Defendants Rasheed and Lights' motion to dismiss the claim for money

damages against them in their official capacities is **DENIED** as **MOOT**. It is further

ORDERED that Mr. Watkins' retaliation claim against Defendants Light and Rasheed is

DISMISSED with prejudice pursuant to FED. CIV. P. R. 12(b)(6). It is further

ORDERED that Mr. Watkins' medical deliberate indifference claim against Defendant

Light is **DENIED** as **MOOT**. It is further

ORDERED that Defendants' motion to dismiss the medical deliberate indifference claim

against Defendant Rasheed is **DENIED** without prejudice. It is finally

ORDERED that Mr. Watkins' claim for injunctive relief against the Defendants in their

official capacities is **DISMISSED** without prejudice as the claim sounds in habeas corpus and is

not appropriate for a civil rights suit.

Mr. Watkins may proceed with his medical deliberate indifference claim for money

damages against Defendant Fatai Rasheed.

SIGNED this the **20** day of **May**, **2019**.

Thad Heartfield

United States District Judge

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